

REMARKS

Claims 1-34 and 42-46 are pending. Claims 1-34 and 42-46 stand rejected. Claims 1, 2, 6-8, 11-15, 26, and 27 are amended. Support for the amendment may be found in the Specification at least on page 10, paragraph [0027]; page 12, paragraph [0031]; page 13, paragraph [0034]; and page 15, paragraph [0037]. Reconsideration and allowance of all pending claims is respectfully requested in view of the following remarks.

Rejections – 35 U.S.C. § 112

The Examiner rejects Claims 1-15 and 26-46 under 35 U.S.C. § 112, first paragraph, because the best mode contemplated by the inventor has not been disclosed. Applicants respectfully traverse the above rejection because the Specification contains the best mode contemplated by the inventors at the time the application was filed. For example, the Specification states that the wrapper assumes the function of constantly querying the message queue 16 from the business component 12 to determine the existence of new messages (Specification, paragraph [0027]). The wrapper then employs a publication/subscription notification type of architecture to notify the queue connector 10 of a new message in the message queue 16 through the coupling 26 (Specification, paragraph [0029]). The queue connector 10, in turn, begins delivery of the message to the business component 12 (Specification, paragraph [0030]). Based on the above description, the Specification clearly describes a method for employing a publication/subscription notification type of architecture via a wrapper for a message queue that does not employ a publication/subscription notification type of architecture. Although there is no requirement in the statute that Applicants point out which of their embodiments they consider to be their best, the Specification actually states that the above described process is the "preferred" embodiment (Specification, paragraphs [0028] and [0029]). *See* MPEP §2165.01. Therefore, as long as that the disclosure includes the best mode contemplated by an applicant at the time of filing, which Applicants' assert that it does, the best mode requirement is satisfied. *Id.*

In addition, according to the MPEP 2165.03, unless the Examiner has evidence that that the inventors had information in their possession at the time the application was filed that a mode was considered to be better than any others by the inventors, there is no proper basis for a best mode rejection (emphasis added). If the Examiner has evidence to the contrary, Applicants respectfully request that the Examiner provide such evidence for Applicants examination. In lieu of such

evidence, Applicants respectfully request that the rejection to Claims 1-34 and 42-46 under 35 U.S.C. § 112, first paragraph, for failing to disclose the best mode be withdrawn.

Furthermore, although, Applicants disagree with the rejection under 35 U.S.C. § 112, first paragraph, for failing to disclose the best mode, Applicants believe the claims as amended also overcome the Examiner's rejection under 35 U.S.C. § 112, first paragraph.

Rejections – 35 U.S.C. § 103

Claims 3-6, 17, 22, 24-34, 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson et al. (US 6,915,519), herein referred to as Williamson and further in view of Lai (US 2005/0044197), and further in view of Wookey (US 2004/0230982). Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson in view of Lai in view of Wookey as applied to claim 1 above, and further in view of Applicants Admitted Prior Art (AAPA). Applicants respectfully traverse the rejections.

Although Applicants respectfully assert that the combination of the cited references does not render Applicants' previously recited claims unpatentable, Applicants amend the claims to further distinguish the claims and to expedite prosecution of this Application. The amended claims are patentable over the combination of the cited references at least because the combination of the cited references does not teach or suggest each and every element of the limitations as recited in the amended claims. For example, the combination of the cited references does not teach or suggest *a first queue to manage message services, the first queue employing a polling notification type architecture and a wrapper to enable the first queue to operate a publication/subscription notification type of architecture, wherein the wrapper performs the function of querying the first queue to determine the existence of new messages; and a queue connector in communication with the first queue via the wrapper, wherein the wrapper publishes new messages to the queue connector* as recited in amended Claim 1. Therefore, amended Claim 1 is patentable over the combination of the cited references. Claims 2-15 are also patentable over the combination of the cited references at least by virtue of their dependency on Claim 1, in addition to reciting other elements not taught or suggested by the combination of the cited references.

With respect to Claim 16, the Office Action fails to present a prima facie obviousness rejection because several limitations of Claim 16 are not addressed by the Office Action in rejecting Claim 16. For example, the Office Action fails to even address the limitations *subscribing, by the connector, to a message queue; and notifying the connector that the message is in the message queue;* as recited in Claim 16. Thus, the Office Action has not met its burden to establish a prima facie case. In the

absence of a *prima facie* case, Applicants are under no obligation to present a rebuttal. *See* MPEP § 2142. Therefore, Claim 16 remains patentable over the combination of the cited references. Claims 17-25 are also patentable over the combination of the cited references at least by virtue of their dependency on Claim 16.

Amended Claim 26 is patentable over the combination of the cited references at least for one or more of the same or similar distinctions presented above with regard to amended Claim 1. Therefore, amended Claim 26 is patentable over the combination of the cited references. Claims 27-34 and 42-46 are also patentable over the combination of the cited references at least by virtue of their dependency on Claim 26.

CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and favorable action. If the Examiner feels a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. However, if a fee is due, please charge our Deposit Account No. 50-2816, under Order No. 11000060-0033 from which the undersigned is authorized to draw.

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Respectfully submitted,

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